

## **REMARKS**

Applicants have carefully studied the Office Action of April 5, 2006 and offer the following remarks in response thereto.

### **Preliminary Matters**

Applicants have herewith submitted a Request for Continued Examination (RCE) of the instant application. The Examiner is kindly requested to accept the RCE.

### **Rejection under 35 U.S.C. § 102 (e)**

In the Office Action, claim 1 is rejected under 35 U.S.C. § 102 (e) as allegedly anticipated by Kim, et al. (U.S. Patent No. 6,841,941). Pursuant to 37 CFR 1.131, Applicants submit an Inventor's Declaration, included herewith as Appendix A, which establishes conception of the invention prior to the earliest claimed priority date of Kim, et al. and due diligence through the date of filing this application.

Specifically, Kim, et al. has a filing date of January 16, 2003. In the accompanying Declaration, Applicants demonstrate that the present invention was conceived at least as early as January 16, 2003, and that Applicants exercised diligence from at least that date until the application was filed March 19, 2004. Thus, it is respectfully submitted Kim, et al. must be removed as a reference with respect to this application and that, as a result, rejection under 35 U.S.C. § 102 (e) is not appropriate.

**Rejection under 35 U.S.C. 103(a)**

Claim 1, along with claims 2-5, which depend from claim 1, also stand rejected under 35 U.S.C. § 103 (a) as allegedly unpatentable over Kim, et al. in view of Kawakami (U.S. Patent No. 4,618,812) and further in view of Shirai (U.S. Patent No. 5,598,068). Since Kim, et al. has been removed as a reference, as discussed with respect to the rejection under 35 U.S.C. § 102 (e), *supra*, the combination suggested in the Office Action cannot render claims 1-5 obvious under 35 U.S.C. § 103 (a).

Applicants respectfully submit that claim 1 is thus in condition for allowance. Claims 2-5 depend from claim 1 and, at least for the reasons stated with regard to claim 1, are likewise in condition for allowance. Applicant respectfully requests reconsideration and allowance of claims 1, 3, 5-11, 14, 55, and 56.

**Rejection under 35 U.S.C. § 102 (e)**

Claim 6 is rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Haavisto, et al. (U.S. Patent No. 6,320,330). Haavisto, et al. discloses an LED based display backlight and keyboard illumination system. Generally speaking, Haavisto, et al. is not concerned with flicker free operation, as may be provided by the apparatus of claim 6, as long as the illumination appears uniform to the human eye (Col. 12, lines 34-44). A device according to claim 6 may provide, among other things, a "constant direct current" continuously supplied to the LED(s), even as the input voltage changes. Haavisto, et al. does not produce such an LED current. The fact that illumination may appear uniform to the human eye, as Haavisto claims to provide, may nonetheless be insufficient for purposes such as, e.g., motion picture and video filming. The lighting apparatus of claim 6 may provide flicker free operation which goes beyond uniformity to

the human eye, and, unlike Haavisto et al, can be suitable for more demanding tasks such as filming.

It should further be noted that the circuit of Figure 6 of Haavisto, et al. senses **inductor** current through components R, G, and K, not *LED* current. The inductor current is used to control the opening of switch SW such that the amount of energy stored in L is substantially constant on a cycle-by-cycle basis (Col. 9, lines 23-27). It is well known in the art that the forward voltage of LED devices varies with temperature as well as varying slightly from LED to LED. Since there is no feedback of actual LED current in Haavisto et al, the actual current through the LEDs is not controlled and will vary as the LED forward voltage changes with environmental factors or vary from system-to-system due to manufacturing variations in LED forward voltage. More importantly, the LED current in Haavisto changes sharply and dramatically, as illustrated in the bottom graph of Figure 5, from times t1 to t3. In fact, Haavisto, et al. points out that, for purposes of illumination device, neither the LED voltage nor the LED current needs to be stable because of the operation of the system (Col. 12, lines 47-54). Thus, Haavisto, et al. actually **teaches away** from the lighting apparatus of claim 6 which calls for a “constant direct current” to be “continuously supplied” to the at least one LED. The term “constant production of light” as used by Haavisto, et al. refers to the average production of light over a long period of time, not a “constant direct current” in terms of a continuously stable current. Accordingly, it is respectfully submitted that Haavisto et al neither discloses nor suggests the subject matter of claim 6.

**Rejection under 35 U.S.C. 103(a)**

Claim 6, as well as claims 7-9, which depend from claim 6, also presently stand rejected in the Office Action under 35 U.S.C. § 103 (a) as allegedly unpatentable over Kim, et al. in light of Kawakami and further in light of Shirai. As discussed hereinabove with regard to claims 1-5, Kim, et al. is removed as a reference and thus the combination suggested in the Office Action does not render claims 6-9 obvious.

Applicants respectfully submit that claim 6 is thus in condition for allowance. Claims 7-9 depend from claim 6 and, at least for the reasons stated with regard to claim 6, are likewise in condition for allowance. Reconsideration and allowance of claims 6-9 are respectfully requested.

**Rejection under 35 U.S.C. § 102 (e)**

In the Office Action claims 10 and 31-35 and 37 presently stand rejected under 35 U.S.C. § 102 (e) as allegedly anticipated by Dygert (U.S. Patent No. 6,864,641). Pursuant to 37 CFR 1.131, Applicants submit the Inventor's Declaration, included herewith as Appendix A, which establishes conception of the invention prior to the earliest claimed priority date of Dygert, et al. and diligence through the date of filing this application.

Specifically, Dygert has a filing date of February 20, 2003. In the accompanying Declaration, Applicants demonstrate that the present invention was conceived at least as early as January 16, 2003, and that Applicants exercised diligence from at least that date until the application was filed March 19, 2004. Thus, Dygert must be removed as a reference with respect to this application and rejection under 35 U.S.C. § 102 (e) is not appropriate.

**Rejection under 35 U.S.C. 103(a)**

Claims 11-30 and 36, which depend from claim 10, are also rejected in the Office Action under 35 U.S.C. § 103 (a) as allegedly unpatentable over Dygert in light of Henry (U.S. Patent No. 6,556,067). As discussed hereinabove with regard to claims 1-5, Dygert is removed as a reference and thus the combination suggested in the Office Action does not render claims 11-30 and 36 obvious.

Applicants respectfully submits that claims 10 is thus in condition for allowance. Claims 11-38 depend from claim 10 and, at least for the reasons stated with regard to claim 10, are likewise in condition for allowance. Reconsideration and allowance of claims 10-38 are respectfully requested.

**Reservation of Right to Challenge Cited Patent**

While Applicants have elected to respond to the Office Action by making various amendments and/or arguments as set forth herein, this should not be construed as an admission that the cited patents constitute prior art or otherwise provides an enabling disclosure. Applicants reserve the right to challenge the sufficiency of cited patents as qualifying prior art at a later point in time, including in any post-issuance proceeding or suit, if appropriate.

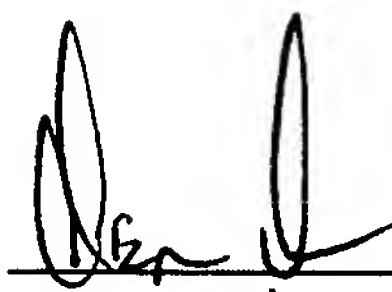
**Request for Allowance**

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any

unresolved issue remains, the Examiner is invited to contact the first undersigned by telephone to discuss those issues so that the Notice of Allowance can be mailed at the earliest possible date.

It is respectfully submitted that the instant application stands in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,



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